

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CHIA MENG CO. LTD.  
Plaintiff

V.

REYNOLDS SHIPPING USA, LLC;  
RSUSA LLC; SCR TRUST; and  
STEVEN REYNOLDS  
Defendants

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CIVIL ACTION NO. 4:10-CV-5007

Admiralty Rule 9(h)

EX PARTE MOTION FOR ENTRY OF SALE ORDER

Pursuant to an Order issued by the Court on January 3, 2012, Doc. 21, Judgment Creditor CHIA MENG CO. LTD. files this Ex Parte Motion for Entry of Sale Order, and would show the Court as follows:

1. The Writ of Execution authorized by the January 3, 2012 Order was executed when the U.S. Marshal's Office in McAllen on February 29, 2012, posted a true copy of the Writ covering both 412 and 414 South 15<sup>th</sup> Street by affixing same on the building at 412 S. 15<sup>th</sup> Street, McAllen, Texas (the Property).

2. More than 10 days have passed since the posting of the Writ of Execution and the judgment has not been satisfied. No defendant or judgment debtor has ever made an appearance, despite having been served with process and despite having actual notice of the litigation.

3. The Office of the U.S. Marshal for the Southern District of Texas, McAllen Division, has confirmed that it is willing and able to conduct an auction for

the sale of the Property on Wednesday, August 8, 2012, at 412-414 S. 15<sup>th</sup> Street, McAllen, Texas, at 10:00 a.m.

4. The Judgment Creditor believes \$160,000.00 to be a fair and reasonable minimum price for the Property. Judgment Creditor requests the Court to instruct the U.S. Marshal to reject the final bid at auction if it does not meet or exceed \$160,000.00. Judgment Creditor also requests permission to credit bid on the Property, using credit against its judgment of \$2,032,931.08 in order to satisfy any payment requirements. Judgment Creditor acknowledges that any liens on the Property coming before its judgment lien in priority will have to be satisfied by the proceeds

5. Pursuant to Local Supplemental Admiralty Rule E.1, notice of the sale must be published in a daily newspaper of general circulation in the Division on at least four days, between three and thirty-one days before the date of the sale. Attached as Exhibit 1 is Judgment Creditor's proposed Notice of Sale. Judgment Creditor asks that the Court order that the proposed Notice of Sale is adequate if published in *The Monitor*, a newspaper of general circulation in the McAllen, Texas area, on four days between three and thirty-one days prior to the date of the U.S. Marshal auction.

WHEREFORE, Judgment Creditor respectfully requests that the Court enter an order:

(1) Directing that the Notice of Sale of Real Property in the form attached as Exhibit 1 is approved for purposes of publication of the sale, which shall be run

in *The Monitor* at least 4 times between three and 31 days prior to the date of the sale;

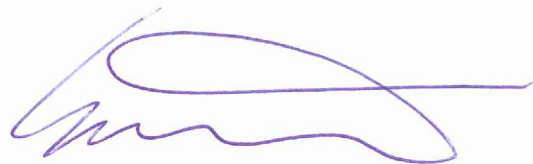
(2) Directing that the U.S. Marshal conduct an auction sale of the Property on Wednesday, August 8, 2012, at 10:00 a.m. at 412-414 South 15<sup>th</sup> Street, McAllen, Texas;

(3) Directing that the minimum acceptable bid for the Property is \$160,000.00. The Marshal is ordered to reject lower bids, or accept the credit bid of Plaintiff to prevent the sale of the Property for less than the minimum price;

(4) Directing that the Judgment Creditor Chia Meng Co. Ltd. is entitled to enter bids on the property and may satisfy any payment requirements by crediting against its judgment in this matter; and

(5) Granting to Chia Meng Co. Ltd. all other and further relief to which it may be justly entitled.

Respectfully submitted,



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